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March 23, 2022

VIA ECF

The Honorable Mary Kay Vyskocil, U.S.D.J.
United States District Court
Southern District of New York
500 Pearl Street, Room 2230
New York, New York 10007

Re: Penske Media Corp. v. Shutterstock, Inc., 20-cv-04583 (MKV)

Dear Judge Vyskocil:

We are counsel for defendant-counterclaim plaintiff Shutterstock, Inc. (“Shutterstock”) and submit this letter pursuant to Paragraph 9(B) of this Court’s Individual Rules of Practice in Civil Cases, the Court’s Standing Order 19-mc-00583, and ECF Rules & Instructions Section 6. Specifically, Shutterstock seeks the Court’s approval to publicly file redacted copies of its letter seeking permission to move for partial summary judgment (“Pre-Motion Letter”) and draft Rule 56.1 Statement of Undisputed Facts (“Draft Rule 56.1 Statement”), which each contain information that plaintiff-counterclaim defendant Penske Media Corporation (“PMC”) has designated as “Confidential” and/or “Attorneys’ Eyes Only” pursuant to the Protective Order. See Dkt. No. 72.

Shutterstock’s Pre-Motion Letter and Draft Rule 56.1 Statement each contain information from: (1) the “Photographic Services and Reciprocal Image License Agreement” between PMC’s subsidiary, Variety, Inc., and Getty Images (US), Inc.; (2) various email communications and documents produced by PMC; and (3) the transcripts of the depositions of several of PMC’s witnesses.¹ PMC has designated all of the foregoing material as “Confidential” and/or “Attorneys’ Eyes Only” pursuant to the Protective Order. Accordingly, Shutterstock respectfully requests that the Court approve its redacted filings.

Shutterstock has publicly filed the Pre-Motion Letter and Draft Rule 56.1 Statement with the proposed redactions, which are narrowly tailored to protect the above-described materials. Shutterstock has also electronically filed under seal copies of the unredacted Pre-Motion Letter and Draft Rule 56.1 Statement with the proposed redactions highlighted.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "EML".

Eleanor M. Lackman

¹ The foregoing materials are specifically identified (e.g., by Bates number) in Shutterstock’s Pre-Motion Letter and Draft Rule 56.1 Statement.